IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.858 OF 2006,
CRIMINAL WRIT PETITION NO.859 OF 2006
AND
CRIMINAL WRIT PETITION NO.860 OF 2006

.....

OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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Shri Ramprakash Pandey i/by Shri U.S. Samudrala for the Petitioner.
Shri Rajesh More, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 25, 2006.

P.C.:

1. Heard the Advocate appearing for the Petitioner in these three Writ Petitions. The challenge in these Petitions filed under Article 227 of the Constitution of India is to order issuing process passed by the learned Magistrate on a complaint filed by the second Respondent under section 138 of the Negotiable Instruments Act, 1881.

2. Remedy under Article 227 of the Constitution of India is an extra-ordinary remedy. Jurisdiction under Article 227 of the Constitution of India cannot be normally invoked when there is a statutory remedy available to a litigant. In view of the

decision of this court in the case of V.K.Jain & Ors. Vs. Pratap Padode & Anr. (2005(3) Maharashtra Law Journal Page 778), the Petitioner has a remedy of filing a Revision Application before the appropriate court for challenging order issuing process. The Petitioner has not exhausted the said remedy. Hence, these Petitions cannot be entertained and the same are rejected.

3. Notwithstanding rejection of these Petitions it will be open for the Petitioner to file revision Applications for challenging the order issuing process. The learned counsel for the Petitioner submitted that delay in filing revision Applications may be condoned. That order cannot be passed in these Petitions. However, if revision Applications are filed by Petitioner, the concerned court is bound to take note of the fact that these Writ Petitions were filed in this court on 12th April, 2006 and the same were pending till today.

JUDGE